

Assembly Bill No. 2836

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 30, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2836, Karnette. Fire protection: residential care facility for the elderly.

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for the assessment of related inspection fees. Violation of provisions related to fire protection requirements is a crime.

This bill would require, subject to exception, residential care facilities for the elderly that house or care for 4 or more clients or residents, to have an approved, operable automatic fire sprinkler system on and after January 1, 2014, if they are licensed as of January 1, 2010. The bill would require every facility for which a license is newly issued on or after January 1, 2010, to have an approved, operable automatic fire sprinkler system on and after the date of issuance. The bill would require the State Fire Marshal to adopt regulations to implement these provisions by January 1, 2008, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system has been installed and maintained. The bill would also provide that the landlord shall determine all phases of construction, and the facility shall pay all costs including permit

fees, cost of design and construction, and tenant relocation costs. The bill would require the State Fire Marshal to convene a subcommittee of the marshal's advisory committee and specify matters for the subcommittee to study, and would require the subcommittee to report to various committees in the Legislature not later than January 1, 2009. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 13113.11 is added to the Health and Safety Code, to read:

13113.11. (a) As used in this section, "facility" means a residential care facility for the elderly, as defined in subdivision (k) of Section 1569.2, with four or more residents.

(b) Every facility having a valid license as of January 1, 2010, shall have installed and maintained on and after January 1, 2014, an operable automatic fire sprinkler system approved by the State Fire Marshal and meeting the NFPA 13D standard for the installation of sprinkler systems in one and two family dwellings and manufactured homes. A local jurisdiction shall not require a sprinkler system exceeding this standard by amending the standard or applying standards other than NFPA 13D.

(c) Every facility for which a license is newly issued after January 1, 2010, shall have installed and maintained an operable automatic fire sprinkler system approved by the State Fire Marshal and meeting the NFPA 13D standard for the installation of sprinkler systems in one and two family dwellings and manufactured homes. A local jurisdiction shall not require a sprinkler system exceeding this standard by amending the standard or applying standards other than NFPA 13D.

Notwithstanding subdivisions (b) and (c), (1) a landlord or his or her agent shall determine all phases of construction, including selection of a contractor, improvements, and design, and (2) at

least one year prior to complying with this section, the facility shall pay the landlord or his or her agent all costs associated with this section, including permit fees, cost of design and construction, and tenant relocation costs.

(d) By January 1, 2008, the State Fire Marshal shall adopt regulations to implement this section, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system is installed and maintained. The State Fire Marshal shall ensure that any regulation developed pursuant to this section, including any future changes to this section or to the standard required by this section, will be reflected accurately within the California Code of Regulations.

(e) The State Fire Marshal shall, not later than April 1, 2007, establish and convene a subcommittee of the State Fire Marshal's advisory committee to be comprised of one representative from each of the following entities:

- (1) The State Fire Marshal's office.
- (2) The State Department of Social Services.
- (3) The State Department of Developmental Services.
- (4) The State Department of Mental Health.
- (5) The Building Standards Commission.
- (6) A statewide association of senior residential care facility operators.

The subcommittee shall work to develop data pertinent to the administration of this section. Specifically, the subcommittee shall study the number of facilities that would be subject to this section, the number of residents living in those facilities, the number of facilities in which at least half of the residents are recipients of either Supplemental Security Income or State Supplemental Payments, regulatory issues, construction standards, and the effects that the requirements of this section may have on facilities regulated by this section. By January 1, 2009, the subcommittee shall report its findings and recommendations to the chairperson of the Joint Legislative Budget Committee, the chairperson of the budget committee of each house of the Legislature, the chairperson of the governmental organizations committee of each house of the Legislature, and the chairperson of the human services policy committee of each house of the Legislature.

(f) A public or private water agency shall not interpret this section as changing the status of a facility from a residence entitled to residential water rates nor shall a new meter or larger connection pipe be required of the facility.

(g) The fee imposed by a local fire marshal for plan review or installation inspections of a fire sprinkler system required by this section shall not exceed two hundred dollars (\$200).

(h) If the installation of a fire sprinkler system is the sole renovation, the fee imposed for a local building inspection shall not exceed two hundred dollars (\$200).

(i) Local government units are encouraged to work together to minimize the number of pre and post installation inspections to minimize fees imposed on residential facilities.

(j) This section does not apply to any facility in which at least half of the residents are recipients, either singly or in combination, of Supplemental Security Income (SSI) or State Supplemental Payments (SSP) on a consistent basis.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2006

Governor